



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 6, 2020

BY ECF AND EMAIL

The Honorable Ronnie Abrams
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Gregory Mella*, 20 Cr. 291 (RA)

Dear Judge Abrams:

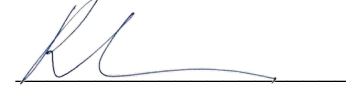
The defendant in the above-captioned case was arrested in the Southern District of Florida and presented before a United States Magistrate Judge in that Court on June 19, 2020. (*See* Dkt. No. 6). At that appearance, the defendant waived his right to an identity hearing, consented to detention without prejudice to making a later application for bail, and consented to his transfer to the Southern District of New York. At the conclusion of the proceeding, the Southern District of Florida Magistrate Judge ordered the defendant removed to this District. (*See id.*)

While the Government has no control over the timing of the defendant's transport, the Government understands from the United States Marshals Service ("USMS") that the USMS is still in the process of securing the necessary resources to transport the defendant to this District.

Accordingly, the Government respectfully requests that the Court exclude time under the Speedy Trial Act until the date of the defendant's appearance in this District for his arraignment. The Government requests that the Court set a control date of July 13, 2020, for the arraignment. While the Government understands that up to ten days are automatically excluded for purposes of transportation of the defendant to this District, *see* 18 U.S.C. § 3161(h)(1)(F), the Government respectfully submits that, in light of prisoner movement restrictions occasioned by the COVID-19 pandemic, the exclusion of additional time is in the interests of justice to as to ensure that the USMS can safely transport the defendant to this District. *See* 18 U.S.C. § 3161(h)(7). In the event that the defendant has not been brought to this District by the control date set by the Court, the Government will promptly notify the Court to provide an update.

Application granted. The defendant shall be presented and arraigned before the Magistrate Judge on duty. Time is excluded until July 13, 2020, under the Speedy Trial Act, pursuant to 18 U.S.C. 3161(h)(7)(a).

SO ORDERED.



Ronnie Abrams, U.S.D.J.
July 6, 2020

The Government has not been able to ascertain the defendant's position on this application because counsel will not be appointed to represent the defendant in connection with this case until he has appeared in this District. The Government has attempted to reach the assistant federal defender who represented the defendant in the Southern District of Florida presentment, but has not been able to reach her.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By:



Michael R. Herman
Assistant United States Attorney
(212) 637-2221